

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L.) NO.2789 OF 2018

Arvind G. Arte & Ors.	...Petitioners
Vs.	
Mumbai Municipal Corporation & Ors.	...Respondents

Mr.A.S. Singh for Petitioners.
Ms.Sheetal Mane for MCGM/Respondent No.1.
Mr.Vikil Dhoka with Mr.Pradeep Bhatt, Ms.Shyli Shetty i/b. Solicis Lex for
Respondent No.2.
Mr.R.R. Sharma with Mr.Vinod Shah for Respondent No.3.

**CORAM : NARESH H. PATIL, ACTING C.J. AND
G.S. KULKARNI, J.**

DATE : 24th AUGUST 2018

P.C.:

The petitioners have admittedly filed a suit in respect of the subject structure. The learned Counsel appearing for the petitioners submits that prayer clause (c) has not been prayed in the suit.

2. The learned Counsel appearing for the Corporation, on instructions of the officer who is present in the Court, submits that the Corporation authorities would take necessary steps to demolish first and ground floor. Appropriate notices are issued in pursuance of the technical advisory committee report.

3. Without entering into the merits of the technical advisory committee report, we observe that the petitioners may raise appropriate issues in the suit. The Corporation be made party to defend the suit. The other contesting parties be added to the suit as defendants alongwith Corporation.

4. Status-quo in respect of the ground floor as of today be maintained for a period of two weeks. It is clarified that the petitioners would occupy the said premises along with others at their own risk and they shall not claim any equity in case of any damages.

5. The Corporation or its officers shall also not be responsible for any casualty during the period of two weeks.

6. All contentions of the parties are kept open.

7. In the facts of the case and in view of the pendency of the suit, the petition stands disposed of.

G.S. KULKARNI, J.

ACTING CHIEF JUSTICE